MOROCCO DEMOCRACY ASSESSMENT UPDATE

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&

The Inter-Agency Democracy Working Group (DWG)
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Submitted by:

Management Systems International (MSI)

Prepared by:

Guilain Denoeux

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TABLE OF CONTENTS

OBJECTIVE AND ORGANIZATION OF THE DOCUMENT

This document updates the 1998 Democracy Assessment of Morocco. It highlights key changes in Morocco's political landscape since that time, reviews the kingdom's main achievements and setbacks in the D/G area over the past three years, and identifies persistent obstacles and constraints on further progress toward democratic governance. Based on that analysis, which itself reflects extensive interviews conducted in March 2001, the document draws programmatic recommendations for the Mission. It is meant as a complement to the oral briefings that were delivered at the USAID Mission and U.S. Embassy in Rabat in late March 2001, as well as to the "Electoral Assistance to Morocco: Context and Suggestions" report submitted in April 2001. To achieve its objectives, it proceeds in three steps:

Part One summarizes and analyzes political developments since July 1998, and examines the main strategic challenges and dilemmas facing Morocco in the D/G area.

Part Two offers a more detailed analysis of Morocco's performance in the D/G area, using the five criteria (consensus, competition, inclusion, rule of law, and governance) of the Democracy Assessment Framework.

Drawing on the analysis conducted in Parts One and Two, as well as on discussions held during March 2001 with the Mission, grantees, Moroccan officials, and representatives of civil society and political parties, **Part Three** highlights some programmatic recommendations for the U.S. Mission in the D/G area.

PART ONE

STRATEGIC CHALLENGES IN THE D/G AREA

Since 1998, the two most important events in Morocco have been the passing of King Hassan II and the ascent to the throne of King Mohamed VI, on July 23, 1999. Since then, Morocco has gone through two main political phases. The **first phase** lasted about nine months, until approximately April 2000. It was characterized by considerable optimism and even euphoria about prospects for rapid progress in Morocco's democratization process. By the summer of 2000, however, Morocco had entered a **second phase**, marked by growing concerns about the direction of political change in the country.

This section begins by summarizing the highlights of each phase. It then describes the growing pessimism that permeates recent analyses of the country's political dynamics since 2000, before presenting the author's own views of where Morocco currently stands in its democratization process. Particular attention is paid to the question of whether Morocco now has lost its earlier democratization momentum. The section concludes with a detailed analysis of the kingdom's overarching challenges in the D/G area, conducted from the perspective of the dilemmas that confront Mohamed VI.

Phase One (July 1999-April 2000): Soaring Expectations

When he ascended the throne on July 23, 1999, the young king (he had not yet turned 37) was largely an enigma. He had grown up in the shadow of his father, who by and large had deliberately refrained from involving him in the decision-making process. (By contrast, when Hassan II inherited the throne in 1961, at the young age of 31, he already had occupied the formal offices of prime minister and chief of the armed forces.) Furthermore, when he was Crown Prince, Mohamed VI had granted only a handful of interviews (two to the French weekly *Paris Match* and one to the Spanish *El Pais*) – unlike his father who, prior to 1961, had interacted regularly with the foreign press.

What was known about Mohamed VI in July 1999 consisted mostly of rumors and speculations. He had been described as uncomfortable with the more archaic and "neo-feudal" aspects of his father's rule, and was believed to favor a more modernist, progressive image for the monarchy. It was said that, upon ascending the throne, he would seek to distance himself from his father's autocratic style. His personality also appeared significantly different from his father's. As Crown Prince, he had come across as self-effacing and reserved – many said shy -- and had seemed uncomfortable with the pomp and ceremony of the Palace. He certainly had shunned many of the trappings of a regal lifestyle. Much had been made of the facts that he drove his own car and stopped at red lights, that he liked to jog and jet-sky, and that he came across as simple and caring – certainly less disdainful of his own people than his father was known to be. The Crown Prince was also said to have a profound dislike for Driss Basri, his father's longstanding and powerful Interior Minister. But, in the end, as Mohamed VI accompanied his father's coffin followed by heads of state from all over the world on that hot day of July 23, 1999, no one really knew what to expect from the new monarch.

That would change rapidly. Mohamed VI soon surprised observers by the rapidity with which he moved to make his own mark on the country, and by the audacity and self-confidence that he displayed in those early days of his reign. His extremely pro-active approach to the position he had inherited was reflected in a multiplication of dramatic initiative with which the political class found itself struggling to keep up, and that contrasted sharply with the impression of paralysis conveyed by the Youssoufi government.

Part of the enormous popularity that the new king was able to build for himself stemmed from the simple, unpretentious style that came to be seen as one of his hallmarks. Mohamed VI made it clear that he had no particular fondness for royal protocol and for the kind of extravagant festivities that his father often encouraged. Significantly, shortly after ascending the throne, he reduced the size of the palace staff.

Far from keeping at a safe physical distance from ordinary Moroccans, he also quickly made a point of reaching out to them during the trips he took to various parts of the kingdom. Whereas his father had been seen as cold and distant, Mohamed VI came to be perceived as genuinely warm and approachable. And while King Hassan had treated his people as subjects, Mohamed VI seemed bent on approaching them as citizens. This style created an almost immediate bond between Mohamed VI and the population for three related reasons: because it gave the monarchy a human face; because it contrasted so sharply with not-so-distant memories of his father's rule (which often had been associated with ostentatious displays of wealth and other excesses, as well as a love of pomp and ceremony); and because it was consistent with qualities particularly valued in Moroccan culture, such as modesty and sincerity. Many commentators came to observe that while King Hassan had been feared and revered – but not liked – by his subjects, his son had become an object of adulation and respect. Critical to the new king's ability to capture the imagination and love of his people was his apparent concern for the poor, the disabled, and the under-privileged. Also significant was the widespread popular perception that he truly cared about the less fortunate and was capable of real empathy (which, again, was not seen as one of his father's qualities).

But even more important than the new image Mohamed VI imparted on the monarchy were key decisions he made during the Fall and Winter of 1999. It was those decisions that soon led him to be presented, both in Morocco and overseas, as one of the leading representatives of a new generation of younger, reform-oriented Arab leaders.

- A highlight of the Fall 1999, during which Mohamed VI multiplied dramatic gestures, was his decision to allow the unconditional return to Morocco of Abraham Serfaty, once the most famous critic of the regime. Serfaty, a former communist leader, was exiled to France in 1991, after spending seventeen years in the king's jail for having denounced Morocco's annexation of the Western Sahara. After he returned to Morocco, a villa was put at his disposal, courtesy of the king. (A year later, on September 1, 2000, the king appointed Serfaty – a mining engineer by training and once a Director of Studies at the Mohammedia School of Engineering – as an adviser to the Director of the National Office of Oil Research and Exploration).

- Also allowed to come back to Morocco in the Fall of 1999 were the families of former leftist leader Mehdi Ben Barka, believed to have been kidnapped and assassinated in

France at the king's order in 1965, and of General Oufkir, mastermind of the military coup attempt of August 1972.

- Another early sign of the new king's desire to reach out to many of those who had suffered under his father's rule was a speech he delivered on throne day (August 20), less than a month after the passing of his father. In it, Mohamed VI broke an important taboo by referring to "those who were subjected to arbitrary detention" – which amounted to an implicit recognition of the responsibility of the state in the unlawful incarceration of numerous critics of the regime from the 1960s through the mid-1980s. That period had seen many opponents of the monarchy "disappear," often after being arrested by the authorities. Those opponents were widely presumed to have died in detention, often after undergoing torture. Their families had never been notified of their fate, and talking about "the disappeared" had always been a sensitive topic in Morocco. In this context, the new king's frequent references to the subject was an important symbolic break with the past.

- Mohamed VI did not limit himself to recognizing past wrongdoing by the state. In his first month on the throne, he oversaw the creation of a commission entrusted with reviewing the cases of disappeared persons and victims of arbitrary arrest and detention, and of setting compensation for them or their families. While the commission would move slowly in reviewing and settling cases, it nevertheless represented yet another critical step toward allowing Morocco to come to grip with some of the darkest pages in its history.

- Even more dramatic was the king's highly publicized, historic visit to the Rif, Morocco's long-neglected northern region. Hassan II was known to have despised the north and to have sought to punish it for rebelling against the central government in 1958-59, when he was still Crown Prince. At the time, Hassan II had personally supervised the crushing of the revolt – which was also the last time that he had set foot in the region. Largely ignored by successive development plans, the Rif had been in a state of permanent economic depression. By the early 1990s, it was known primarily for being a main source of illegal emigration to Europe, a region ripe with smuggling and contraband, and a base for the cultivation of kif (a form of hashish). In this context, it was highly significant that King Mohamed VI chose the Rif to be the destination of his first major tour within the kingdom. And the population of that region could not have responded more favorably to the king's offer of reconciliation with the monarchy. Throughout Mohamed VI's eleven-day tour of the north, hundreds of thousands of Moroccans lined up to catch a glimpse of their new king. His subjects cheered as, day after day, he plunged into crowds to shake hands, on several occasions in the rain.

- In a highly publicized speech delivered on October 12, 1999, and attended by Morocco's most powerful civil servants(walis, governors, and senior Palace officials), the king called for a "new concept of authority, reminding those in attendance that they occupied their positions to serve the population, not the other way around. This speech, as well as the king's increasingly frequent references to the need to "moralize public life" was largely interpreted as a commitment on his part to make state institutions more transparent and civil servants more accountable for their actions.

- Perhaps the most dramatic indication of the king's desire to break with the more corrupt and heavy-handed policies associated with his father was his sacking of Driss Basri on

November 9, 1999. Basri had served as Interior Minister for over 20 years. A pillar of "the old system," he had been described as the second most influential person in the kingdom under King Hassan. To many Moroccans, he embodied the darker side of King Hassan's rule, and was almost universally hated (as well as feared) by his countrymen. Consequently, his dismissal was widely interpreted as a strong signal that Mohamed VI was willing to confront the old guard, and that he would seek to dismantle some of the vested interests associated with the Makhzen system. That decision was also viewed as an attempt by Mohamed VI to unburden himself of some of the most negative aspects of the system bequeathed to him by his father. "The King Finally Buries His Father" was the title of the column in which Abubakr Jamaï, editor of the outspoken *Le Journal*, presented his analysis of Basri's sacking. Another commentator of Moroccan affairs observed that "the reign of Mohamed VI began on November 10, 1999." It did not go unnoticed that the new monarch had chosen the tenth anniversary of the fall of the Berlin Wall, which marked the advent of democracy in Eastern Europe, to show Driss Basri the way to the door.

- Following his forced retirement from public life, Driss Basri watched helplessly as the extensive network of governors and other high officials which he painstakingly had created over two decades was purged by the new king. Replacing many of Basri's aides and clients were individuals known for their integrity and professionalism.

- Important as well was the government's decision to release Islamist leader Abdeslam Yassine on May 17, 2000. Seventy-two year old Yassine heads Morocco's largest Islamist group, *the al-`Adl wa'l-Ihsane* (Justice and Charity) movement. He had spent eleven years under house arrest and no later than in late January 2000 he had released a very irreverent, thirty-five paged memorandum addressed to Mohamed VI. In the document, Yassine had gone to great length to denounce the evils which, in his view, had befallen Morocco since independence: corruption "as a way of governing and administering," electoral fraud, abject poverty, the trading of favors by the well-connected, etc. He had described these problems as the basic ingredients of what he referred to as "the makhzenian stew" (*"la ratatouille makhzenienne"*). In a condescending and deriding way, he then had asked the "young king with a tender heart" (*"le jeune roi au coeur tendre"*) to go beyond "organized charity" by using the "great wealth amassed by Hassan II" -- for which he had advanced the figure of $40 billion – to reimburse the kingdom's foreign debt. The document was remarkable for its sarcastic and disrespectful tone. It implicitly described the king as a lightweight who, without realizing it, was prisoner of the system he had inherited. It had broken the long-held taboo on discussing the royal fortune. And it had described the ceremony of allegiance to the king (*bay`a*) as "an abomination." Such a diatribe would never have been tolerated in the past. Indeed, for publishing in 1974 an open letter in which he had castigated King Hassan for being "forgetful of the obligations of Islam," Yassine had been committed to a mental institution for three years, before being sent to jail until 1980. This time, however, the new king ("with a tender heart") preferred to ignore Yassine's memorandum, and instead made him, once again, a man free to move as he pleases. Yassine's release was all the more significant that since the return of Abraham Serfaty to Morocco, his continued detention often had been described as the outstanding human rights issue in the country.

Phase Two (April 2000 – now): Setbacks and Growing Concerns about Backsliding

Beginning around April 2000, a series of measures directed at the media, combined with the frequent resort to force by police and security forces seeking to break up peaceful demonstrations, led to growing concerns about the state of civil liberties in the kingdom.

- On April 17, 2000 the top three officials in the state-run television station 2M were fired after the station's evening news broadcast mentioned an interview conducted by the weekly *Le Journal* with Polisario Front leader Mohamed Abdelaziz.

- Later that same month, Mustapha Alaoui, Editor of the prominent weekly *Al-Usbu`*, and Khalid Mechbal, Publisher of the Tangiers-based weekly *Ash-Shamal*, were convicted of libel and defamation for a series of articles accusing Foreign Minister Mohamed Benaissa of mismanagement and embezzling funds while he was Ambassador to the USA. Alaoui in particular was sentenced to three months in prison and a fine of approximately $100,000. In addition, the court forbade him from practicing journalism for three years.

- On May 11, the police violently dispersed a small peaceful demonstration held in front of the Tunisian Embassy to protest Tunis's harassment of a journalist who had gone on a hunger strike.

- On October 8, 2000, a French television team was placed under house arrest for twenty-four hours after filming near the site of the former Tazmamart prison camp in the Atlas mountains. The authorities had allowed the *Forum Vérité et Justice (*Truth and Justice Forum, an association of former political prisoners) to organize a remembrance ceremony around the once-notorious camp, where so many earlier critics of the regime died. The French crew was temporarily detained for "violating military secrets" (after it stopped operating as a detention center in 1991, Tazmamart became a military weapons depot, and, consequently, is considered too sensitive a site by the authorities to allow filming around it).

- On November 5, 2000, the Moroccan authorities expelled Claude Juvenal, the Bureau Chief of Agence France Presse (AFP) in Rabat, on the vaguely defined ground that Juvenal had engaged in "conduct hostile to Morocco and its institutions." In reality, Juvenal's expulsion seems to have been prompted by articles in which he had claimed that Algerian Islamists sometimes use Morocco as a base of operation, and, more generally, by his repeated criticisms of government policies.

- Throughout the Fall 2000, security forces used violent means to break up several demonstrations (especially by unemployed graduates) and occupations of factories by striking workers.

- On December 2, 2000 the government suspended three independent weeklies – *Le Journal*, *As-Sahifa*, and *Demain*. *Demain* had published several provocative stories, including one that described drug trafficking operations and alleged the involvement of some highly placed political figures in them. *Le Journal*, for its part, had tested repeatedly the limits of press freedoms in the country. It had reported on such sensitive issues as Morocco's policy in the

Western Sahara and corruption in the armed forces. In late October 2000, it had published the names of current senior officials (including the heads of the secret services and the Royal Gendarmerie) who in the past had been involved in torture. (The list containing these names had been released on October 23 by the Moroccan Association of Human Rights.) Earlier, *Le Journal* had published an interview with Polisario Front leader Mohamed Abdelaziz. It also had been extremely critical of the performance of the Youssoufi government and the prime minister himself. But most observers believe that, ultimately, the trigger for the ban was *Le Journal*'s publication on November 25 of a letter (subsequently translated into Arabic and published in *As-Sahifa*) that alleged the involvement of socialist leaders, including Abderrahmane Youssoufi, in a 1972 failed military plot to topple Hassan II.

To many observers, two aspects of the banning of the weeklies were particularly worrisome. First, the decision had been made by the government, not the courts. Second, the government resorted to excessive rhetoric to justify its decision. Invoking Article 77 of the anachronistic Press Code, governmental officials repeatedly claimed that the banned weeklies had endangered "the stability of the state," attacked the country's "most sacred institutions," consistently tried to tarnish Morocco's image abroad, and endeavored to derail the country's democratic experience. For his part, Mohamed Yazghi, the USFP's deputy leader, accused *Le Journal* of being "financed by foreign countries hostile to Morocco." This rhetoric sounded all-too reminiscent of an earlier era, and seemed in complete contradiction with the king's stated commitment to break away from the authoritarian practices and rhetoric of the past. Ironically, just as Mohamed VI had sought to impart a new rhetoric and discourse for state action, the old left, now in government, seemed to be adopting the undemocratic reflexes and vocabulary that it had denounced for so long. The paradox seemed striking: just after the king had signaled a desire to distance himself from a Makhzen of which the monarchical institution is supposed to be the very core, the old left seemed to have become "makhzenized" – even though its main theme for so long had been the denounciation of the Makhzen, and the manner in which this Makhzen historically has exercised authority. Thus, depending on one's interpretation, discredited leaders of the old left either had been instrumentalized by the Makhzen, or, faced with mounting criticisms, they deliberately had entered into an "unholy alliance" with it.

- On December 9, 2000, the police violent dispersed a peaceful but unauthorized demonstration by the Moroccan Association of Human Rights (AMDH). Held in front of the parliament building in Rabat, that demonstration, according to its organizers, was intended to commemorate the fifty-second anniversary of the Universal Declaration of Human Rights. In reality, it was meant to put additional pressure on the Moroccan authorities to bring to justice senior officials known to have been involved in past human rights abuses. The Moroccan authorities had denied (for unspecified "security reasons") permission to hold the event, but the AMDH defied the ban. In the wake of the demonstration, which saw several participants beaten by the police, thirty-six persons were arrested and charged with taking part in an unauthorized gathering liable to disturb public order. (On May 16, 2001, these thirty-six members of the AMDH were condemned to three months in jail.)

- On December10, security forces arrested hundreds of members and sympathizers of the Justice and Charity (*al-`Adl wa'l-Ihsane*) Islamist group, after violently breaking up demonstrations organized by the association in several cities around the country. Many Islamist activists were beaten and injured during the crackdown.

Taking place in quick succession, these developments generated new questions about the state of political liberties in the kingdom. By the spring of 2001, it had become common to hear Moroccans and foreign observers of the Moroccan scene refer to a "rollback" of civil liberties and press freedoms. By then as well, the euphoria that had followed the advent of Mohamed VI's reign had been replaced by a better appreciation of the enormous constraints under which the king operates, and which will be analyzed in greater detail below. Certainly, Moroccans had become far more likely than a year earlier to point to the weight of inertia and to hold more modest expectations about Mohamed VI's capacity to bring about rapid change in the political, economic and social realms.

This growing uneasiness also reflects the excessive expectations that were placed in the new king when he ascended the throne. These expectations had risen even further because of the dynamism displayed by the monarch during the Fall of 1999, and as a result of the flurry of initiatives he launched. In late 1999, it seemed, everyone was expecting the new king to provide the country with a clear roadmap. By the summer of 2000, however, it had dawned on many people that, for all the goodwill and energy he had demonstrated, the king might not yet have a coherent project. Understandably, people were clearly becoming more impatient to see his good intentions translate into concrete improvements in their daily lives.

By then as well, Moroccans seemed to have become more aware of the array of influential forces aligned against a reformist, forward-looking project. Thus, many analysts felt that the king's muted response to the events of December 2000 stemmed from the resistance he faced from powerful interests, opposed to a genuine democratization of the country, and determined to slow down the pace of political change. The positive side of this growing realism regarding the limits on the king's scope for independent action was to dampen expectations in the monarchy's capacity to bring about rapid change. Its negative impact, however, was to compound the national anxiety already fueled by an irresolute, indecisive government that had failed to impart a clear sense of direction to the country.

In short, for the past several months the mood in Morocco has been far more subdued and wary than it was during the hectic few months that followed the death of King Hassan. There is palpable apprehension, and even a certain anguish, about the future. Part of it has to do with the persistence of apparently intractable economic and social problems. Another part of it reflects disappointment with a government that failed to live up to its promise. And much also has to do with events that suggest a hardening of the stance of the regime.

Between the Unrealistic Optimism of July 1999 and the (Excessive?) Pessimism of July 2001: Assessing Morocco, Two Years into a New Reign

Even a cursory review of journalistic and academic writings on Morocco in the spring and summer of 2001 reveals a change of tone and appreciation in the evaluation of the country's political dynamics. Overall, the generally optimistic view of the kingdom that had come to grip many observers in the summer and Fall of 1999 has been replaced by a far more somber and often pessimistic assessment of Morocco's reform process. Most analysts fear that that process has stalled at best, and that old habits may even be making a come-back. To simplify, while most analysts devoid of strong biases were tempted to see the glass half full (or more) two summers ago, they are far more likely to see it as half-empty (or less) today.

There are indeed many reasons to be concerned about Morocco's political and economic prospects. However, many recent analyses of Moroccan "backsliding" are overblown, and simplify greatly what is a far more complex situation. Precisely because Morocco remains in a state of transition, its political dynamic defies easy generalizations and conclusions. The country has come to the end of a political era, but it is still struggling to enter a new one. It currently finds itself in an unstable equilibrium between two different types of political order, two different sets of rules of the game, and two different configurations of political and social interests. Some of the rules that applied to an earlier era are becoming less relevant and constraining, while others remain in place. Certain rules may be relaxed over a significant period of time, before suddenly they are reasserted – but just as other rules may be more leniently applied. Topics formerly beyond the pale may now be raised publicly, while in other cases red lines still apply. While pro-democracy activists seek to stretch the elasticity of the new rules – the exact boundaries of which remain unclear and subject to negotiations -- vested interests endeavor, sometimes successfully, to impose old and new limits on freedom of expression and action. Rival power blocs and social forces are competing with each other – sometimes openly, sometimes under the surface. The palace itself sends contradictory signals.

Such features explain why the current situation is so difficult to assess, and why it lends itself to different interpretations. The old order is crumbling in several respects, but the old structures and vested interests are also proving remarkably resilient in other areas. Only those who believed that the legacy of an authoritarian past could easily be discarded, and that powerful, vested interests would accept to give up their privileges without a fight, should be surprised. Consequently, while there are many reasons to worry about Morocco's political (and, even more so, economic) situation, it is too early yet to conclude, as some already have done (for instance in the French press) that Morocco's democratic experiment is "unraveling."

Several inter-related points can be made in connection with the claim that easy generalizations about "Morocco's political regression" distort a far more complicated situation .

- First, at a very general level, Moroccans had invested so many hopes in the new reign, and optimism ran so high in the Fall of 1999, that disappointment was almost inevitable. Analysts should have expected that serious problems would materialize once Morocco would move from a situation in which political change was clearly orchestrated from the top to one in which a people long accustomed to being silenced would finally be allowed to speak its mind on even sensitive subjects. In a way, the real transition to democracy has just begun. Consequently, rifts in society are being exposed, and tensions within political parties have brought many of them (even among the best-established ones, such as the Socialist Party) to the verge of implosion. Meanwhile, radically different societal projects are competing openly with each other in the public space (as shown by the debate over the government's plan to promote women's rights in 2000).

- Second, what some analysts view as a "setback" or "crackdown" can be construed by others as a necessary effort to slow down a process which otherwise might provoke a backlash. Such a reaction, in turn, would likely result in a far more significant rolling back of liberties. Under the best-case scenario, it would set the entire democratization process back by several years. In other words, the single most important question that Morocco has faced since 2000 is whether it is advisable to reduce the pace of political change in some areas, precisely if the

country wishes to find itself in a position to keep pressing ahead in the years ahead. Reasonable persons can disagree on the appropriate answer to this question. In this writer's view, those who argue that Morocco should keep pressing full speed ahead may under-estimate the fragility of the current political experiment. There are dangers in trying to ignore those who feel that the process is going too far, too fast, and who have the power to stop it. On issues such as establishing the truth about past human rights abuses, or the continued presence in decision-making circles of individuals once involved in disappearances and arbitrary detention, one does wonder whether "*toute vérité est bonne à dire*" (any truth deserves to be told). For the very sake of establishing a more democratic country, should the process of truth telling and "ending impunity" instead be postponed, or take place gradually?

- Third, it remains a matter of speculation whether the crackdown on the press and demonstrations reflected a conscious decision by the regime to narrow political space, and whether it indicates the ascendancy of forces opposed to change. One might reason instead that it stemmed from the government's impatience with mounting criticisms, and from its inability to manage a politically difficult situation. Some analysts have speculated that as freedom of expression expanded significantly during the first few months of Mohamed VI's reign, a hawkish faction within the regime, threatened by the pace of change, advocated a crackdown. Predictably, such analysts came to see the events of April-December 2000 as an indication that this faction had won its battle against reformers, and that it now was asserting itself. Though this interpretation may contain some truth, it also may provide excessive rationalization for developments that were driven primarily by (a) the political ineptitude of a government that felt overwhelmed and simply over-reacted, failing to appreciate the storm that would be triggered by its decisions; and (b) the excesses of security and police forces that are untrained for, and unaccustomed to, dealing with situations of civil protest, and consequently frequently react by displaying unnecessary force.

- Fourth, for all the setbacks of the past year, few impartial analysts would deny that the kingdom today is a country in which political space is far greater than it was three years ago. If not placed in that broader context, the currently fashionable talk of a "rolling back of civil liberties'" and of "the silencing of the freedom of the press" can be thoroughly misleading. The fact is that the press in Morocco has never been as free as it is today. It exposes scandals and corruption cases involving the well-connected. It publicly charges heads of security agencies and prominent generals with having been involved in torture and disappearances. It multiplies accounts of some of the darkest pages in the country's history. It repeatedly castigates the government for its "lack of coherence", its "incompetence," and its incapacity to make (let alone implement) decisions.

- Fifth, recent assessments of Morocco's democratic performance are often all the harsher that the standards now applied to the kingdom are so much higher than they were even only a few years ago.

- Sixth, and though this observation by no means should be construed as a justification for the government's crackdown on the press, it is clear that many representatives of the latter (*Le Journal* foremost among them) repeatedly displayed, throughout 1999 and 2000, what can only be described as a lack of professionalism, a tendency to shoot from the hip, and a deliberate search for sensationalism. An even more severe assessment of their behavior would be that they

deliberately tried to mislead the public, spinning the news with a view to increasing their own influence and power in the country. Under yet another interpretation, they were manipulated by (or let themselves play into the hands of) private interests that have used them to discredit and/or settle accounts with political enemies. Under any of these scenarios, they displayed a combination of irresponsibility and opportunism, immaturity and a lack of know-how, during a difficult historical juncture. Certainly, over the past two years, some representatives of the press repeatedly have behaved as if they should not be held to the rules that apply to everyone else – for instance, as if there should not be some form of accountability for leveling serious allegations without evidence. It is even more unfortunate that this position should have found support among foreign correspondents, diplomats, and international human rights organizations. In one of many such examples, Amnesty International alleged in a news release that Aboubakr Jamaï had been condemned "solely for the peaceful expression of his beliefs" -- when, in fact, he had been condemned for libel and defamation of the foreign minister. (That statement of fact, again, should not be interpreted as an endorsement of the Moroccan authorities' resort to prison sentences in such cases, or of what was obvious political interference in court proceedings). More generally, one can only describe as very misleading the tendency of foreign press outlets and international organizations such as *Reporters Sans Frontières* to depict all Moroccan journalists victims of the government crackdown as "martyrs on the altar of press freedoms." Such interpretations ignore that the forces animating many of these journalists include narrow, personal interests and a desire for self-aggrandizement.

- Seventh, and perhaps most importantly, Morocco may now have crossed a qualitative threshold in its democratization experiment, defined by the existence of a critical mass of individuals, groups, and political forces agitating for further democratic reforms. It is the presence of this vector for change that makes it unlikely that a return to the authoritarian order could take place, short of a major and potentially violent confrontation. This critical mass explains why the regime's repeated efforts to constrict political space over the past year have met with only limited success, and why the authorities have been forced to reverse themselves on key decisions (such as the ban on *Le Journal*, *As-Sahifa*, and *Demain*). Thus, the democratic achievements of the second half of the 1990s can be stated succinctly: the balance of power between state and society has changed in a way that is probably not reversible – or that could be reversed only at a very high political (and, consequently, economic and social as well) cost.

- Anecdotal evidence and interviews conducted in Morocco both in January and March 2001 also suggest that the "macro-level" transformation that has just been discussed (the emergence of a critical mass for reform in society at large) also has been reflected at the "micro-level," i.e., at the level of the individual. In a nutshell, it appears that when individuals are confronted with abuses by the authorities or specific government officials, they now are far more likely than a mere few years ago to stand up for their rights. This transformation in attitudes is being felt not only in the larger urban centers, but, most importantly, in rural areas as well (where, traditionally, the most egregious violations of human rights and civil liberties have been concentrated). In fact, a common complaint heard repeatedly from mostly older persons in early 2001 was that people, focused on advancing their long-neglected rights, tended to forget about their obligations.

New King, New Dilemmas

Morocco's overarching challenges in the D/G area can best be understood by examining the difficult position in which the king finds himself, and it is therefore from this perspective that the analysis in this section will be conducted. In essence, this king is well-disposed toward reforms, as long as they do not result in a dilution of the monarchy's key prerogatives. But in his efforts to move the country forward, Mohamed VI faces at least three significant obstacles.

Obstacle 1. There are powerful forces that oppose genuine reforms, because such reforms inevitably would hurt their interests. To complicate matters, many of these forces sit by the king's very side. They have the power to foil or defeat his plans, and the young monarch knows he may have to rely on them to face up to potential challenges to his authority.

Members of the old guard -- powerful generals, security chiefs, dignitaries, and wealthy businesspersons – still wield considerable power in the country. They are among those who benefited the most, in both power and wealth, from the late King Hassan's policy of distributing high administrative offices, monopolies and quasi-monopolies, exclusive economic licenses and state contracts, as well as other forms of benefits (from reduced taxes to land concessions) to those who supported his rule. The high-level corruption in which they engaged was tolerated by the regime, when it was not encouraged by it as a form of political control and in exchange for loyalty.

Senior military officers have been active participants in, and major beneficiaries of, this system, particularly through their involvement in smuggling and trafficking activities. They and other entrenched interests in the administration and the security apparatus have little to gain from any genuine move toward greater respect for the rule of law, anti-corruption measures, and the creation of a level-playing field among economic actors. Having so much at stake in the survival of that system, they understandably are not ready to wave it goodbye. Consequently, they can be expected to do their utmost to thwart the reform process. As importantly, not only do these actors have the power to derail or obstruct reforms, they also represent an important lever through which the king wields authority. Consequently, Mohamed VI cannot easily disregard their wishes or dispense with them.

Many analysts believe that, since approximately mid-2000, these conservative forces have flexed their muscles and that their influence is rising. "The Makhzen is alive and well … It is rearing its ugly head, and is winning its battle with those who sought to curtail its power" was how one analyst interpreted the various setbacks to civil liberties that took place between May and December 2000.

It should be remembered as well that resistance to reforms is not found only at the center of the political system, but runs through it, from the center to the periphery. In other words, it is not only a handful of generals and security chiefs that can be expected to oppose a genuine democratization of social and political relations. Equally resilient to the "new concept of authority" promoted by King Mohamed VI may be a majority of the tens of thousands of minor elected officials and agents of authority (*qaids*, *moqaddams*, police officials, etc.) in the provinces.

In this context, Morocco's democratization process confronts at least two dangers:

- The first is that, over time, the new king will be hemmed in by the conservative forces around him. Some analysts already point out that, during the past year, Mohamed VI has been far less pro-active than in the first ten months of his reign, less capable of setting the agenda, and more absorbed by the ceremonial aspects of his position. They fear that this reflects a deliberate and successful effort by conservative forces to "keep him in his box."

- The second danger is that the king himself ultimately will decide that the path of democratization and reforms is fraught with too many risks for the monarchy. Under this scenario, he might decide instead to resort to merely a modified, sanitized version of his father's true and tested methods.

Besides the old guard and other actors with vested interests in the old system, the other major force opposed to democratic change consists of the Islamist movement. The latter's insistence that any reforms be consistent with Islamic Law (the *sharia*) speaks volume about its lack of commitment to a truly democratic polity. Islamists are among those who feel they stand to benefit the most from a failure of the current experiment. Support for them, as well as the evolution of their political strategy, therefore ought to be monitored carefully.

Obstacle 2. The Youssoufi government's lackluster performance has done little to help the king, who has not benefited from the support he needs in the policy-making arena. The government of *alternance* has been unable to articulate a clear, coherent political and economic strategy – apparently because it lacks one. It has displayed a lack of daring and vision. For the most part, it has contented itself with managing the situation it inherited. History will probably remember this period as one during which Youssoufi's party, the USFP, failed to rise to the occasion to make itself the engine and source of imagination for a far-too disparate coalition government.

On virtually all critical issues – spurring private investment, restructuring the public administration, combating corruption, and reforming the educational system – the cabinet repeatedly has announced major initiatives, just to fail to carry them through. The team assembled by Prime Minister Youssoufi has spread itself too thin, and has been unable to follow through on its various projects. Its members' lack of governmental experience has been a serious handicap. For one, the government has failed to communicate effectively, whether with the public at large or with organized constituencies such as labor and business.

Even more worrisome are widespread perceptions of the government as weak and prone to give in when confronted with resistance by vested interests. Significantly, the government essentially abandoned a plan to advance women's rights when that plan met with enormous opposition from traditionalists and islamists during the spring of 2000. Shortly thereafter, the government attempted to quell mounting labor unrest by making major wage-and-benefits concessions to the unions. And in December 2000, the crackdown on the press and the forceful repression of an unauthorized demonstration by AMDH members was interpreted by some analysts as an indication that the prime minister, overwhelmed by events, had succumbed to pressures by senior military officers.

Not surprisingly, Moroccans have expressed steadily deteriorating faith in their government's ability to meet the challenges facing the country. Youssoufi continues to be seen as a person of integrity, but he is also widely perceived as a man of the past, who has demonstrated his inadequacy for the position he now holds, and who should have stepped down several months ago already.

The serious weaknesses displayed by the Youssoufi government have had several negative implications for the king:

- They have left him bereft of a competent and cohesive cabinet capable of pushing through a coherent reform agenda.

- They have put pressure on him to involve himself in areas from which the monarchy has little to gain. Even those who expect Mohamed VI to show the way seem acutely aware of the costs associated with his intervening directly in day-to-day policy-making, and with his being constantly asked to settle controversial political issues. Such a situation forces the king to spend precious political capital on questions that are not of paramount importance. It also may prompt him to make decisions that will alienate key constituencies, thus leaving the Palace more isolated and exposed to criticism.

- They have exposed the limits of the king's power. As one prominent journalist stated to me during an interview, "What can Mohamed VI do anyway? After all, he is only a king." Indeed, for all the enormous authority which the constitution and history have vested in him, the monarch can only do so much to change a country in which the weight of accumulated problems is considerable. His main powers in seeking to chart a new course for the country are mostly those of exhortation. He can draw attention to this or that neglected issue. He can urge the prime minister to do more in this or that area. He can even outline how the government should deal with a particular problem. What he cannot do is force the cabinet to follow his lead, when that cabinet lacks the capacity to do so.

Obstacle 3. The king is constrained not only by the poor performance of the government, but by a much broader failure of the country's political and economic elites.

One of Morocco's greatest tragedies – and one which the past couple of years have made painfully evident -- is the passivity and even apathy displayed by the largest segment of its elite in the face of mounting social and economic problems. Observers of Morocco repeatedly bemoan the lack of political courage and imagination of the country's elites, their lack of initiative and civic-mindedness, and their inability to provide genuine leadership for the population. The economy suffers from the paucity of real entrepreneurs and the prevalence of rent-seeking behavior. It is undermined by powerful forces that have enriched themselves through drug trafficking, smuggling, and the informal sector. For its part, the political system is paralyzed by the irrelevance of political parties and their leaders to the concerns of average Moroccans.

To a large extent, this situation is a legacy of King Hassan's policies. For at least three decades, King Hassan's mixture of repression, co-optation, and intimidation tactics aimed at thoroughly de-politicizing society. The successful implementation of this strategy decimated the ranks of

what might have constituted a genuine national elite. It also promoted what a Moroccan sociologist has described as a "culture of organized irresponsibility," in which no one is willing to take any major initiative that does not have the explicit blessing of the "supreme authority." But this approach also created a vacuum that the country now finds hard to fill – hence the propensity to wait for the king to take charge. Indeed, the failure of elites and political institutions explains why every single time an important or sensitive issue arises, every one expects the monarch to show the way. It is also why, when he does not take the lead, critical issues remain unaddressed.

The failure of established elites and institutions to deal effectively with the challenges facing the country also raises the prospect that the Islamist movement might emerge as the beneficiary of a slowly developing political vacuum or a sudden outbreak of protest combined with the temporary incapacitation or paralysis of the control and repressive machinery of the state. This raises special concerns since the extent to which a more influential Islamist movement would be willing to operate within a genuine democratic system questionable, at best. Equally worrisome, the islamist movement lacks a credible plan to address Morocco's problems. The vague "solutions" it purports to offer to the country's ills do not go beyond a form of religious populism. Consequently, its ascendancy within decision-making institutions would likely be followed by a further deterioration of an already very bleak economic and social situation.

Obstacle 4 Economic and social conditions in the country continue to represent a ticking time-bomb and constantly raise the possibility of a political explosion. Ultimately, the future of Morocco's democratic transition will hinge on the kingdom's economic performance, and there is much reason for concern in this area.

- The economy lacks clear stewardship, which in turn has prevented Morocco from overcoming its serious deficits in social and economic areas. Indeed, some of the kingdom's major problems – poverty, unemployment, and social disparities – seem to have worsened since 1998. Joblessness officially stands at 23 percent, up from 17 percent in 1997 and 18 percent in 1998. Unemployment among university graduates has become a particularly serious and politically volatile question. Official figures point to an increase in poverty.

- Far from designing and implementing much-needed structural reforms in the economic realm, which was a critical part of the mandate with which Prime Minister Youssoufi had been entrusted by the late King Hassan, the government has operated instead as if its economic mission was merely to preserve Morocco's macroeconomic balances. Formed with the specific purpose of initiating a vast program of economic restructuring, the cabinet instead has behaved as if it had been charged with preserving the economic status-quo, and as if fiscally sound policies could substitute for an ambitious, well-thought-out approach to the economy.

- Private investment, both domestic and foreign, is stagnating, thus thwarting Morocco's only chance to jump-start its economy and place itself on the path toward sustainable growth.

- Privatization and economic liberalization are not proceeding with the urgency required. Since 1998, privatization essentially has stalled, reflecting insufficient commitment by

the government, resistance from unions, and the fact that many of the assets to be privatized have been unattractive to investors.

- No genuine program of industrial modernization and restructuring appears to be underway. Yet such a program is critical to the kingdom's ability to withstand the shock of foreign competition as the free-trade agreement with Europe is being gradually implemented.

- Long-term capital investment by the state is insufficient, largely because of the enormous burden that the public wage bill represents for the country's finances. Nearly one-half of all state revenues go toward paying the salaries of public sector employees. This situation has been exacerbated by wage and benefits concessions that the government made during the summer 2000, in what was a desperate attempt to avert a general strike. Combined with the weakness of long-term capital investment, the government's tendency to seek to buy social peace raises serious questions about Morocco's financial situation in the years ahead.

- In social areas that are vital to economic development, such as health and education, indicators still point to a very bleak situation, and they are not improving fast and significantly enough.

In light of these obstacles, the king faces at least three main dilemmas.

Dilemma 1. If Mohamed VI displays excessive caution in reforming a system that cries out for change, he might fail to defuse the political explosion that many analysts have long announced. But if he moves too fast in confronting vested interests, he might antagonize key actors in the security-military establishment -- thus creating the risk of a political backlash, or of depriving himself of the institutional supports he would need from the repressive apparatus should he be faced with a sudden challenge to his rule.

In short, Mohamed VI probably has been torn for a while between his apparent desire to transform thoroughly the deeply flawed political structures he inherited, and his dependence on powerful institutional forces and interests that hold him back. A decision by the king to confront the powerful conservative forces near him is fraught with considerable political risks. On the other hand, failure to distance himself from, or neutralize, those forces will leave him prisoner of an authoritarian system that is not consistent with his aspirations for Morocco, and over which he only has limited control.

One wonders, therefore, whether a deepening of the reform process can take place without structural changes in the politico-economic system that Mohamed VI inherited, and, if not, whether that system can be altered to serve objectives for which it was not intended. After all, that system was designed primarily to repress, intimidate, co-opt, and distribute spoils. It functions according to clientelistic criteria that are inconsistent with what Morocco needs to accomplish if it is to meet the twin challenges of political modernity and economic competitiveness. If it is not amenable to being reformed progressively, is Mohamed VI capable of radically transforming it? And if he does not, has the process of reform in Morocco gone essentially as far as it possibly can under the current arrangements of politico-economic interests? Has a ceiling be reached, beyond which further steps toward reform could materialize

only if systemic change takes place? Can the system's logic be altered while groups ill-disposed toward change continue to occupy strategic positions of power?

From a somewhat different perspective, one of the dilemmas facing Mohamed VI has to do with the difficulty of determining the optimal pace of political change. Morocco today might be compared to a plane negotiating a sharp turn in a new direction. If the plane does not make that turn with enough speed (in other words, if the pace of political reforms does not pick up), the plane (Morocco) might crash. However, if the turn takes place with excessive speed (if political reforms unfold at a pace that exceed the system's capacity to cope with them), the plane (Morocco) might spin out of control. This second scenario explains why many Moroccans looking forward to a more democratic polity and ill-disposed toward the old guard were nevertheless somewhat understanding of the regime's hardening of its stance toward dissent during the second half of 2000. Again and again, this writer was told by observers who certainly could not be described as apologists for the *Makhzen* that "Things went too fast for us; we were not prepared for so much freedom." Right or wrong, such individuals felt that too many constituencies – organized labor, unemployed graduates, islamists, human rights activists – had pressed demands with little regard for what the country's delicate political and economic equilibria could afford, and without displaying much propensity for compromise. Thus, for instance, one factory was occupied for eighteen months, despite a judicial order to evacuate. Meanwhile, Islamist activists repeatedly infiltrated public demonstrations and deliberately sought to provoke security forces in violent crackdowns. Many in the press fed into the frenzy by engaging in sensationalist reporting and by leveling serious but unproven accusations. It was such developments, many analysts believe, that prompted reluctant authorities to take steps to end what Prime Minister Youssoufi described as a "permanent May 68." In the opinion of such observers, the cycle of demonstrations, protests, labor unrest, and unsubstantiated allegations was threatening to spin out of control.

Dilemma 2. The king's natural constituency – the forward-looking, reformist, and modern-oriented segment of Morocco's civil society – may be displaying great dynamism, but it is also largely amorphous and hard to mobilize directly. Besides, it controls neither wealth nor weapons. While it can expose and criticize the old guard and the vested interests opposed to reforms, on its own it does not have the power to defeat that old guard.

Consequently, however much the king would like to rely on it to change the country, the weaknesses of that constituency as well as the difficulty of harnessing its energy, constrain his ability to do so. Meanwhile, within the political establishment, there unfortunately is no organized, coherent political force endowed with significant grassroots support and that might provide the king with a reliable partner with whom to pursue a reform agenda.

Thus, the king finds it hard to mobilize for his own designs the dynamism and influence of those who would appear to be his natural allies, while he must constantly worry about many of those who were pillars of his father's rule. The latter still are physically close to him, where they wield significant power. They are not well-disposed (to say the least) toward the project of society which the new monarch probably favors. Consequently, one of Mohamed VI's dilemma can be stated as follows: how can he neutralize forces near him that wield actual and considerable power, while reaching out to forces further afield, whose influence is less well-established, and

who remain vulnerable to a crackdown by conservative elements from which it is politically risky for the king to radically break away?

Dilemma 3. The inertia and other structural weaknesses displayed by governmental and political institutions create pressure on the monarch to involve himself far more directly and thoroughly than he might wish in day-to-day governing and political maneuvering. But by stepping in the vacuum left by these poorly functioning institutions, and by playing a highly visible role in the management of the country and the resolution of its political disagreements, the king risks undermining even more the already meager credibility of those same institutions. By doing so, furthermore, he opens himself up to criticisms that he is working at cross-purposes with his stated commitment to accelerate Morocco's progress toward democracy.

In short, King Mohamed VI faces a no-win situation. If he fails to delegate decision-making responsibilities to elected officials, he may be blamed for failing to deliver on democracy-building. But, one wonders, how can he delegate when those officials often display a stunning lack of leadership and managerial skills, and when they themselves constantly appeal to him to mediate political disagreements, or to use his authority to put an end to gridlock situations?

Along similar lines, how can the king deliver on his professed aim to establish the rule of law when he is urged to overrule governmental or judicial decisions in the name of protecting or re-establishing certain political freedoms? For instance, as mentioned above, in April 2000 two editors received heavy sentences after Foreign Minister Benaissa took them to court, alleging defamation and libel. The courts' rulings (including prison sentences) were widely seen as excessive and unwarranted, and were condemned as an attack on press freedoms by human rights and democracy activists, both in Morocco and abroad. A few weeks later, the king pardoned the editors involved (though they had to pay the fines, they did not have to serve time in jail and were allowed to resume their professional functions). While that decision was welcome, both in Morocco and overseas, it clearly short-circuited normal appeals procedures, and amounted to a clear display of the dependence of the judicial system on the king's personal will. By contrast, when in December 2000 Mohamed VI decided not to step in to annul the ban on *Le Journal*, *As-Sahifa*, and *Demain*, his passivity drew private criticisms. It was interpreted by some as tacit support for the government's decision, or as suggesting that his freedom of maneuver on the issue had been constrained by those vested interests that presumably had orchestrated the ban. In other words, many of the complex political balancing acts that the young monarch has faced during this first two years on the throne have given new meaning to the expression "Damned if you do, and damned if you don't."

What is clear is that over the past two years Morocco's road toward democracy has not been accompanied by a dilution of royal prerogatives. In fact, quite the opposite has taken place, to the surprise of those who had anticipated that the advent of Mohamed VI would see Morocco move toward a British- or Spanish-style constitutional monarchy. Mohamed VI has been careful to preserve all the powers of the monarchy. In fact, he has intervened in day-to-day politics and policy-making far more directly and frequently than his father had during the last few years of his reign. On numerous occasions, he deliberately has short-circuited the government, taking dramatic initiatives in areas that are constitutionally supposed to be the government's prerogatives, without even notifying Youssoufi beforehand. But at the same time, he has used

his personal popularity and the authority of the monarchical institution to emerge as one of the country's leading advocates for social change and modernity. Though the powerful political, social and economic constraints under which he operates have forced him to move more slowly than he might have wished in other circumstances, he has shaken up entrenched bureaucratic habits, challenged vested interests, dismantled at least part of the Basri network, showed remarkable openness toward former political opponents, promoted national reconciliation, and displayed genuine concern toward the plight of the disadvantaged and marginalized.

PART TWO

CONTINUITY AND CHANGE IN MOROCCO'S D/G PERFORMANCE

This section complements the analysis conducted in Part One by examining the main changes that since 1998 have affected Morocco's performance in the five areas used by the Democracy Assessment Framework: consensus, competition, inclusion, rule of law, and governance. This analysis makes it clear that Morocco's dominant D/G problems still lie in rule of law and governance.

Consensus

Consensus is no more of a problematic area than it was back in 1998. Analysts rightly pointed to the very smooth transfer of power from Hassan II to Mohamed VI as an indication of the strength of the country's institutions. Since then, and largely because of the actions of Mohamed VI during the first year of his reign, a rejuvenated monarchy may enjoy even greater legitimacy than it did three years ago. It is more than ever on the monarchical institution that hopes for change are being crystallized. And it is the monarchy as well that is seen as the guarantor of Morocco's religious, cultural, and political pluralism.

It is significant as well that even when very sharp rifts were exposed in the country regarding what kind of societal projects should be envisioned for the future – as during the debate over the government's plan to promote women's rights -- radically opposed points of view were expressed forcefully, but there was no resort to physical violence. Particularly noteworthy was the peaceful unfolding of the two simultaneous, mass-based demonstrations held in explicit opposition to each other on March 12, 2000. The rival marches – one in Rabat, organized by supporters of the government's plan, and one in Casablanca, which brought together Islamist and traditionalist forces opposed to the project – were remarkably peaceful. This was no small achievement, considering how high passions were running on each side, and it certainly should be seen as a sign of the maturity of the public and of Morocco's democratization process.

Current disagreements on the rules of the game focus mostly on the Code of Public Liberties, which regulates associations, the media, and the right of assembly. No real progress has been achieved in this area – and the absence of a new and more liberal Code of Public Liberties three years after the appointment of Youssoufi has been a major source of disappointment for civil society activists. Areas of disagreements include the following:

- Article 77 of the Moroccan Press Code allows both the Prime Minister and the Minister of Interior to ban any publication that "may disrupt public order" or that "threatens the institutional, political, and religious foundations of the kingdom." It was that provision which the government invoked in December 2000 to justify the ban of *Le journal*, *As-Sahifa* and *Demain*. The draft of the new Press Code on which the government has been working does not satisfy the basic demands of journalists, and has been rejected by their syndicate (*Syndicat National de la Presse Marocaine*, or SNPM). It still provides for far too many restrictions on press freedoms. For one, it continues to allow the government to seize, confiscate and ban publications, instead of entrusting courts with this prerogative. It also does not specifically

prevent the use of harsh provisions (especially prison sentences) in the civil and criminal codes to punish journalists for their writings.

- Another source of contention includes Article 2 of the Association Code, which states that any association that does not operate "within the rule of law" (a very vague provision) can be dissolved by the authorities. In addition, the Association Code provides for excessive government control over the creation and operations of associations, and fails to spell out the criteria according to which an NGO can be granted "public utility status." That status comes with substantial advantages, including the right to raise funds, receive donations and gifts, own property, and benefit from various fiscal exemptions. Because the process leading to its granting or denial lacks fairness and transparency, it provides government officials with excessive discretionary power.

Competition

As should be clear from the discussion in Part One, competition is not one of the key obstacles facing Morocco in the D/G area. For all the disappointments of the past year, the overall trend in this area since 1998 is positive, and freedom of speech and expression in the kingdom has never been as high as it is today. In fact, even the government's repeated attempts to curtail freedom of expression in the past year have served to highlight how far Morocco has come. Indeed, for each of these attempts, the sequence of events has been strikingly similar:

- A public outcry has followed the government's decision;
- A highly publicized battle between government spokespersons and their critics has been waged in the press and the court of public opinion;
- Consequently, the various crackdowns on press freedoms merely have intensified the public debate over democracy and the state of political freedoms in the country;
- That debate has not been limited to Morocco itself, but has included international organizations active in such areas as human rights and press freedoms;
- These organizations have given the crisis an international dimension;
- The government has been placed on the defensive, both domestically and internationally;
- And, ultimately, in most cases, the government has been forced to reverse itself.

Thus, for instance, the government's decision to ban *Le Journal*, *As-Sahifa* and *Demain* on December 2, 2000 was perhaps less significant than the fact that political pressure ultimately forced the authorities to reverse themselves on January 17, 2001, when the three weeklies were allowed to resume publication under a slightly different name. (*Le Journal*, for instance, became *Le Journal Hebdomadaire*, while As-Sahifa became *As-Sahifa al-Usbu`iya*!). Similarly, the temporary detention of a French television crew that had filmed near Tazmamart seems far less significant than (a) the Ministry of Interior's decision to allow former political prisoners to hold a remembrance ceremony at that site, the existence of which had been denied by King Hassan as

late as 1992; and (b) the fact that, at the urging and under the supervision of the king, senior officials in the palace have reached out to leaders of the Justice and Truth Forum in an effort to achieve progress on the sensitive issue of past human rights abuses.

Even on democracy-related issues where the government has merely stalled (as on women's rights), it has had to pay a significant price (in terms of a constant flow of criticisms) for its inaction. Furthermore, the Ministry of Interior now appears to intervene far less to shape and manipulate day-to-day politics than was the case even three years ago. Its system of control and monitoring remains in place, but it operates in a less visible and heavy-handed manner than was the case during an earlier era. It also may be more focused on specific perceived threats, such as that posed by the Islamists.

Revealing as well of the falling of former taboos is the fact that, since 1998, associations of former political prisoners have emerged as one of the most dynamic segments of civil society. Their activities and declarations on highly sensitive subjects have received extensive coverage in the press.

Perhaps the most significant change affecting public life in Morocco is, as Moroccans repeatedly put it to this writer, that "fear has disappeared." No less than Abubakr Jamaï, Editor of *Le Journal Hebdomadaire* declared in an interview to *Le Quotidien du Maroc* (March 16-18, 2001): "I believe that there are no topics – no matter how controversial -- that cannot be discussed in the Moroccan press" ("*Je crois qu'il n'y a pas de sujets assez brûlants susceptibles de ne pas être évoqués dans la presse marocaine*.") That does not mean one should not exercise caution when discussing issues connected to the monarchy, the military, or the Western Sahara. This Jamaï knows all-too-well – as does Air Force Captain Mustapha Adib, who was sentenced to two-and-a-half years in jail on charge of defaming the army and violating its rules after he denounced corruption in his unit to a foreign news outlet. But what can be said on those sensitive issues is nevertheless far more extensive than three years ago. Even in the Western Sahara, there appears to be far less reluctance than before to speak one's mind in public.

Still, there remains much that Morocco can do to improve its record in the competition area. Organizing the first free and fair general elections in the country's history would be an important step (see the "Electoral Assistance to Morocco: Context and Suggestions" report, April 2001). In September 2000, indirect elections to replace one-third of the 270 seats in the Chamber of Councilors (Parliament's upper house) were marred by vote-buying and other irregularities. For the first time, in what came across as refreshing honesty, the Minister of Interior himself acknowledged the irregularities, but only a handful of these irregularities led to judicial proceedings.

Inclusion

Efforts by the Moroccan authorities to create a more inclusive polity were given a significant boost by the ascent of Mohamed VI to the throne. From the moment he took on his new responsibilities, the king made it clear that the fight against poverty would be a priority of his reign. The significance of this new discourse can hardly be discounted. After all, only a few years ago, talking about social exclusion in the kingdom was ill-regarded by the authorities. It could easily be denounced as "an attempt to tarnish the kingdom's image abroad," or as an effort

to "discredit the government" and "demoralize the population." Now the king himself constantly underscores the dangers of social marginalization for the future of the country. He has endeavored to heighten public awareness of this problem, and tried to revive a greater sense of collective responsibility toward the fate of the less fortunate in society. The Mohamed V Foundation for Solidarity (*Fondation Mohamed V pour la Solidarité*), over which he presided when he was Crown Prince, and which remains a focus of his activities, has been a leading force in the fight against poverty. It has helped rehabilitate social centers, schools, hospitals and clinics, and has sought to address the plight of abandoned children, marginalized women, victims of the drought, and the handicapped. Early in his reign, Mohamed VI's apparent genuine concern for the poor and disabled earned him the nicknames of "The King of Heart" and "The King of the Poor." The new monarch's efforts to create a more inclusive polity were also reflected in highly symbolic gestures such as allowing the return of former political opponents and their families, or travelling to long-neglected regions such as the Rif.

At the same time, by the spring of 2001, the limits of efforts to create a more inclusive polity were also apparent. They were displayed particularly dramatically in the area of women's rights. The national action plan ("*Plan d'Intégration de la femme au développement*") which the government had unveiled in early 2000 to give women more social, political and legal rights was abruptly abandoned when it met with fierce resistance from islamist and traditionalist circles. The latter objected in particular to legal changes that would impose restrictions on polygamy, raise the legal age of marriage from fourteen to eighteen, and provide women with equal rights of divorce and inheritance.

Still, even on the issue of women's rights, some progress has been accomplished over the past two years. Women's associations have become even more active and visible than before. Formerly taboo subjects such as domestic violence or a woman's right to divorce are now widely debated in the public sphere. Women's representation in the professions is increasing steadily, including in the media where one of them hosts the most widely watched political program on the 2M channel. In March 2000, the king appointed the first ever female royal adviser (Zoulikha Nasri, who also heads the Mohamed V Foundation). Two months earlier, he had chosen another woman, Amina Benkhadra, to head the Committee of Experts in charge of promoting investment (*Comité d'experts chargé de la promotion des investissements*). In August 2000, Benkhadra also became Director of the influential National Office of Oil Research and Exploration (*Office national de recherches et d'exploitation pétrolières)*. In July 2000, the king handpicked Aïcha Belarbi to become Morocco's Ambassador to the EU (she previously had been *Secrétaire d'Etat à la Coopération* in the Youssoufi government). The minor cabinet reshuffle of September 2000 saw, for the first time, a woman being appointed with the full rank of minister (women in previous cabinets had held only the rank of "Secrétaire d'Etat"). In October 2000, finally, King Mohamed VI appointed a woman to head the National Office of Tourism. Such decisions send important signals, and their significance should not be downplayed.

More importantly perhaps, though the *Plan d'Intégration* ultimately was withdrawn, some of its measures now appear likely to pass separately. The new royal commission formed by the king in March 2001 to examine potential changes to Morocco's personal status code is composed not only of religious scholars (as was the commission established for the same purpose by King Hassan in 1993), but it also features several civil society activists, several of whom are women.

Rule Of Law

Since 1998, some progress has taken place in the rule of law area, reflecting the existence of real political will, but the pace of change must be accelerated.

Achievements

During his first year in power, King Mohamed VI sent several important signals that he intended to strengthen the rule of law and improve the country's human rights record.

- His October 12, 1999 speech, which called for a "new concept of authority," presented a strong commitment to fight the culture of impunity and the collusion between public office and private interests. In subsequent speeches, as well as through several waves of appointments and dismissals, the king has sought to remind government officials that they occupy their position to serve the public, not the other way around.

- The sacking of former Interior Minister Driss Basri on November 9, 1999 marked a psychologically important break with the old security-oriented approach to governing. For almost a quarter-century, Basri has been closely associated with practices that had made a mockery of the rule of law – including electoral fraud, the bribing and intimidation of opponents, the manipulation of political forces, and the repression of dissidents. To most Moroccans, Basri exemplified a system characterized by its opacity, the lack of accountability of the powerful and well-connected, and the disregard for the law and for civil liberties in the name of security. Consequently, his dismissal was the most concrete sign that Mohamed VI could have given of his determination to distance himself from the undemocratic practices of the past. Significant as well was the subsequent assault on Basri's network and patronage system, as reflected in the large-scale reshuffling of governors, *walis*, and other senior civil servants.

- Since 1999, considerable progress has been made toward resolving the country's outstanding human rights issues. Morocco's two most high-profile human rights cases – those of Abraham Serfaty and Abdeslam Yassine – have been settled. Discussions held in March 2001 with leaders of the OMDH (the main human rights organization) made it clear that these leaders, while acknowledging persistent problems and some setbacks, remained very upbeat about the prospects for further human rights and rule of law advances in the country in the coming years.

- A fund to compensate victims of past human rights violations has been established, and an independent commission to examine thousands of complaints has been seet up. The process of paying compensations to past victims of human rights abuses or their families may be unfolding slowly, but at least it has begun.

- In May 2000, the government granted "public utility status" to the country's two leading human rights organizations, the OMDH and AMDH, thus enabling both NGOs to benefit from the significant advantages attached to this status.

- In partnership with the Ministry of Education, Transparency Maroc and the *Collectif Inter-Associatif Contre la Corruption* launched in 1999 a pilot project to sensitize school children to the damages of corruption. Initially implemented in forty-five schools, this operation

met with a great deal of success, and subsequently was expanded. In 2000, it involved over 6,000 primary schools, 900 secondary schools, and 550 high schools.

- More generally, activities aimed at educating the public about the cost of corruption and at broadening the national debate over this longstanding problem have picked up considerably since 1998.

- Courses on human rights have been introduced in pilot schools, while the Human Rights Ministry has organized several training sessions to sensitize police personnel to human rights issues.

- Several public investigations into financial scandals have exposed prominent personalities, suggesting that even establishment figures no longer enjoy the same impunity as before. Simply put, individuals once believed to be untouchable because of their political connections may now be exposed for wrongdoings. They even may be prosecuted for the unethical practices in which they previously engaged. Particularly significant in this respect has been the parliamentary inquiry into the finances of the state-owned bank *Crédit immobilier et hôteli*er (CIH). When in 2000 the CIH needed yet another influx of state funds to keep it afloat, parliament accepted to bail it out one more time, but on the condition that a parliamentary commission of investigation be created to look into the bank's finances. The results of that carefully conducted investigation showed widespread mismanagement and corruption, and were made public in early 2001. The first of its kind, the report provided detailed evidence of how millions of dollars were directed to prominent personalities (who are identified specifically, and whose names include many individuals once in King Hassan's inner circle) and institutions (from the Fondation Hassan II and the UMT trade union to the hotel Mamounia in Marrakech). Not only did most of these individuals and institutions never repay the loans, but they repeatedly were extended new credit facilities after defaulting on previous ones, or after seeing their previous debts magically cancelled. Meanwhile, between 1985 and 1999, members of the CIH's board of trustees received over ten million dollars in dividends on profits which, in reality, did not exist since the bank was consistently in the red.

The message of the CIH investigation was not missed on Moroccans. What was delivered to the public was not merely information about a single scandal, but a glimpse into how an entire politico-economic system operated for decades. The public trial of the CIH was also an attack, waged in the open, against the Makhzen as a system of government. It was an indictment of the pervasive practice of distributing state hand-outs to clients and cronies gravitating around the inner circle of power. It provided a concrete example of the inter-penetration of political and economic interests and of the shameless use of millions of dollars of taxpayer money for personal enrichment and political purposes in a country marked by enormous gaps in public services. But it also sent yet another important message to those who had benefited for so many years from the active complicity of the state in their illicit enrichment, warning them that what had been tolerated in an earlier era might no longer be allowed.

The CIH inquiry would probably never have proceeded as far as it did had it not been for the determination of the king to see it take that course. And it may be the harbinger of more things to come, as investigations loom or already are underway of institutions in which corruption is long believed to have flourished. These include the National Office of Transportation (*Office*

national des transports), the Agricultural Credit Fund (*Caisse du crédit agricole*), and, especially, the Social Security Fund (*Caisse nationale de sécurity sociale*, or CNSS), compared to which, as one analyst put it, the accounts of the CIH are a "model of transparency and integrity."

- Finally, significant measures have been adopted to improve the effectiveness of the justice system and fight corruption within it. In 1997, Minister of Justice Omar Azziman and his Deputy Ahmed Ghazali inherited a system that was ripe with unethical practices, as well as lethargic and archaic – indeed almost frozen in time. There is evidence that their efforts to rein in corruption while energizing the system and increasing its overall capacity are beginning to bear fruit.

For the first time, a genuine human resources policy is being applied within the Ministry of Justice (MOJ). Several steps have been adopted to motivate MOJ staff, change its outlook, and prompt it to break away from the insular culture that has long prevailed in its midst. There has been a deliberate effort to broaden the outlook of judges, magistrates, and MOJ personnel, in part by making them more aware of, and knowledgeable about, other legal systems and traditions. Significantly, prior to 1998, fewer than ten magistrates a year were given the opportunity to study overseas. Those individuals, furthermore, were usually selected on clientelistic bases, typically as a reward for "favors" and other "services" rendered to those in positions of power. By contrast, in 2000 alone, some 370 magistrates were sent for training overseas – to France, Portugal, Spain, Britain, Denmark, Egypt, and the United States. The beneficiaries of these training programs (which lasted between one week and six months) were selected carefully, using criteria based on achievement and professional promise. The entire experience was planned carefully, with a view to maximizing impact. Prior to departure, a set of clear objectives was identified, and detailed reports had to be submitted by participants upon their return to Morocco. These programs are part of a broader effort on the part of the leadership of the MOJ to create opportunities for judges and magistrates to reflect on their trade by being exposed to new legal ideas, concepts, and methods.

Significant personnel turnover and reshuffling has taken place within the MOJ, with a view to rewarding competence, skills, and integrity, while marginalizing individuals known to lack such qualities. A new determination to fight corruption within the judicial system has become manifest. Back in 1998, there were some 300 outstanding cases of magistrates accused of corruption. This backlog now has been eliminated. The decisions on five earlier cases were reversed, after it was demonstrated that the individuals involved had benefited from complacency. In addition, the *Conseil Supérieur de la Magistrature* (CSM, or Higher Judicial Council, which is charged with assigning, evaluating, promoting, and disciplining magistrates) launched highly publicized investigations into another 112 magistrates, after evidence surfaced that they might have engaged in corruption. Several of the magistrates concerned were disciplined, demoted, or forced to resign or retire. This outcome is significant in light of how difficult it usually is in such instances to prove that corrupt acts did indeed take place. Furthermore, the decisions of the CSM were made public and were widely covered by the media, as were other cases involving corrupt civil servants. In addition to magistrates, several hundred other employees in the justice sector have been convicted of wrongdoing in the past three years. Meanwhile, the Special Court of Justice (to which are referred cases of civil servants accused of unethical behavior) has assumed a more pro-active role in fighting corruption throughout the

bureaucracy. Though such developments remain limited in scope and only begin to scratch the surface of what is endemic corruption, they nevertheless constitute encouraging developments.

Steps have taken place to introduce information technologies within the judicial system, both to improve efficiency and reduce opportunities for corruption. Experts in information technologies have been recruited within the MOJ. In addition, significant changes have improved the performance of the CSM. The procedures that are expected to govern the work of the CSM now have been codified in the form of a guide produced in 5,000 copies and distributed to all magistrates. Consequently, lack of knowledge of the ethical standards and performance criteria that are supposed to prevail in the profession no longer can be used as an excuse for failing to meet them. The new guide is part of a broader effort by the MOJ leadership to clarify what is expected from those who operate within the judicial system, so as to increase transparency, accountability, and efficiency. The MOJ has developed and distributed other guides to facilitate the ability of members of the judicial system to discharge their functions. There now are special guides on, respectively, commercial courts, courts of general jurisdiction, court management procedures, and personal-status courts. Tied to this codification effort is a closer monitoring of performance.

Finally, magistrates assigned to the recently created commercial and administrative courts have been selected carefully. In an effort to prepare them for their new responsibilities, they have received six months of training prior to their new assignment. Thus far at least, the performance of commercial and administrative courts has received good reviews. Commercial courts have helped speed up and improve the resolution of business disputes. Administrative tribunals have ruled against local government bodies on several occasions.

Persisting Problems

Even though a new dynamic can be detected within the MOJ and the judicial system as a whole, most of the rule of law problems that were identified in the 1998 assessment remain in full force. For all the efforts deployed by Azziman and Ghazali, the MOJ remains a largely unresponsive machinery plagued by inertia and very serious human resources deficiencies. The accumulated weight of decades of cronyism and low professional and ethical standards is evident. Much as well remains to be done to improve the material status and social standing of judges and magistrates.

The past couple of years also have shown that the judiciary remains very vulnerable to pressure from the executive branch. This was demonstrated in particular during the trials of journalists that punctuated the crackdown on the press between May and December 2000. Court proceedings were marred by irregularities and political interference. Similarly, while at one level the CIH investigation signaled a commitment to curb corruption, it also reflected strong external pressure on the judiciary, whose sudden intervention in this matter seemed to have been prompted by the political authorities. Some commentators even saw the CIH investigation as exemplifying the instrumentalization of the judiciary by forces external to it. In their view, the Palace was trying to use the inquiry to undermine the islamists, who have made corruption one of their main themes. According to similar analyses, the government, which repeatedly has been accused of lack of determination and commitment in its self-declared fight against corruption,

was using the CIH scandal to regain credibility as it prepares for landmark general elections next year.

More generally, the link between political power and judicial power remains as strong as ever in Morocco. Even more authoritarian polities sometimes display a tradition of courts standing up to the executive branch. Not so in Morocco, which features a formidable arsenal of structures and mechanisms that work to make the judiciary into an instrument to defend the interests of those who occupy positions of political power. In addition, the judiciary remains entirely subordinated to the king, or can be bypassed by him at a moment's notice. This was shown once again in late June 2000, when, as discussed earlier, the king pardoned two publishers who had received prison terms for libel against Foreign Minister Benaïssa.

Finally, while activities aimed at curbing corruption and sensitizing school children to its effects represent a welcome development, the government continues to resist calls by civil society activists to commit itself to a broader, long-term national strategy (Système National d'Intégrité) aimed at reducing corruption.

Governance

Governance remains, by far, the most problematic D/G area in Morocco. Unlike rule of law, which has seen some improvement, governance overall is still as poor as it was back in 1998. Positive developments in this field are relatively few, and consist mostly of the following:

- The steps taken against corruption – from sensitization campaigns in schools to new public procurement procedures aimed at increasing transparency.

- The dismissal of Driss Basri and the subsequent assault against the network of officials he had put in place. Particularly significant was the replacement of a majority of governors and *walis*, especially the most powerful and influential ones. Overall, new governors have shown themselves to be more attentive to questions of corruption, ethics, and good governance. They have been more open to citizens and civil society.

- The number and frequency of financial and performance audits of various government bureaucracies appears to be on the rise. This trend has been reflected in closer oversight of customs agencies and of the finances of municipalities. (The auditing of several dozen municipalities in the past two years have revealed widespread mismanagement and corruption by local officials.) However, only a handful of the many cases that revealed irregularities have been referred to competent institutions (the Court of Accounts and the Special Court of Justice). Much also remains to be done to increase the capacity of oversight agencies and harmonize their actions.

The main reason for the slow pace of political and economic reforms since 1998 has been the lethargic and archaic functioning of political and governmental structures. The institutional and behavioral problems found within those structures (political parties, the public administration, parliament, etc.) represent a powerful brake on national development.

Civil society institutions constitute an exception to this otherwise prevalent problem. But no matter how dynamic civil society is, it cannot make up for the structural deficiencies of decision-making institutions. Civil society cannot discharge the essential functions that governmental and political institutions are supposed to perform, but fail to perform or perform poorly.

Over the past several years, civil society has benefited in several ways from the weaknesses of governmental and political institutions. For one, it has been the very shortcomings of these institutions that have contributed to civil society's appeal. NGOs have drawn many of their members from the ranks of those who have lost confidence in the ability of political parties and the state to resolve grassroots problems, articulate a project, and provide a sense of direction for the country. Having capitalized on this vacuum, civil society now must find a way to help political and governmental institutions overcome their structural weaknesses. If it fails to do so, its ability to contribute to further D/G progress will be increasingly constrained. For civil society to play fully its role as a vector for democratization and good governance, it needs more credible and competent political institutions – from representative bodies such as local councils and parliament to institutions of governance such as the judiciary and the public administration.

Unfortunately, the **public administration** remains as bloated and inefficient as ever. It serves citizens poorly and remains a major impediment to economic activity. Though some progress has been made toward streamlining and simplifying customs procedures, the opacity of business regulations – and, even more important, the inconsistent and often arbitrary manner in which they are applied – remain major obstacles to economic growth. Economic actors are often uncertain about which exact regulations apply to their activities. Even potential investors sometimes find it hard to determine how many documents are required to open a business, or from which tentacles of a labyrinthine bureaucracy these documents can be secured. The same is true of those wishing to export overseas.

Political parties, for their part, are bankrupt. They suffer from a lack of internal democracy, an inability to articulate specific policy platforms, and their domination by an older leadership mired in the past and unable to relate to today's challenges. More or less constant conflicts pit various factions in these parties against each other. Consequently, parties are unable to link citizens to the political system and are thoroughly discredited. Most of those who once tried to change them from within have long since given up on that endeavor.

The public image of all the parties represented in the cabinet has suffered from their poor performance in government since 1998. That is true in particular of Youssoufi's party, the USFP. Since the latter held its Congress in March 2001, the crisis in its ranks has only deepened, and the USFP is now faced with the threat of implosion. As significant perhaps is the advanced state of decomposition of many of the parties (such as the Constitutional Union) that had represented the backbone of previous government coalitions. These parties, the creation and prior success of which had been orchestrated by the Ministry of Interior, now appear to be increasingly irrelevant to the country's political evolution.

Still, there are glimmers of hope. Society's call for a rejuvenation of political parties is not new, but it is becoming increasingly strident. Political parties can ignore that call only at their own risk. They now are under increased pressure from the public and the press to renew themselves, and some party leaders appear to be listening. They may understand that, unless they draw the

necessary conclusions from growing public discontent with the party system, the organizations over which they preside may be faced with extinction. That may explain why one currently witnesses an incipient process of internal transformation (with the emphasis on "incipient") within some parties – including a somewhat greater willingness of the leadership to listen to the complaints of rank-and-file members. Much also has been made in the past few months of the possible creation of a new "social liberal" party. Such a party would seek to mobilize the growing constituency of young, forward-looking individuals who do not recognize themselves in existing parties, and who favor further steps toward a genuinely market-based economy and a democratic polity, within the context of a country resolutely open to the outside world. Such developments are encouraging. But it is far too early to know whether Morocco's party system will meet the challenge of renewal and modernization with which it now is presented.

Finally, as had been expected in the 1998 Democracy Assessment, **decentralization has proceeded extremely slowly**.

- What is often presented as decentralization can usually more adequately be described as deconcentration.

- The process of decentralization is not driven primarily by political considerations – i.e., by a desire to empower populations at the local level and increase the autonomy of communities and regions. Instead, the authorities often seem interested in that process only to the extent that it can serve as a vehicle through which economic development might be spurred. This approach probably will continue to shape both the prospects for decentralization, and the limits it will take.

- When talking with senior staff in the bureaucracy, it quickly becomes apparent how centralized the outlook of most Moroccan decision-makers remains. Below the surface of a discourse that praises the merits of decentralization, a centralized vision of how Morocco ought to be managed can easily be detected. It probably will take a new generation of decision-makers to begin to change this deeply engrained approach within ministries.

Still, the government has been putting the final touches on a new set of regulations for local government. This draft project represents a step forward. It contains provisions that should limit the use of public office for private gain at the local level. It clarifies the respective prerogatives of locally elected officials and agents of the central government at the local level. Consequently, it should help limit discretionary power, confusion, and turf battles. It increases the responsibilities of local authorities in such areas as public health and education – though the protection of public order remains the exclusive domain of the governor. In general, the proposed text makes municipalities less dependent on the constant supervision and control of governors. For instance, until now, most decisions by local officials could not be implemented until they had been specifically approved by the governor. In the new document, this principle is eliminated -- except in thirteen areas that are clearly spelled out. Thus, while governors would be able to reverse the decisions of local officials, the latter's ability to act would no longer have to wait until securing the former's permission.

PART THREE

PROGRAMMATIC IMPLICATIONS

The recommendations contained in this section complement the more extensive but narrowly focused ones outlined in the "Electoral Assistance to Morocco: Context and Suggestions" report of April 2001. They can be divided into four categories:

- general programmatic implications of the political dynamic analyzed above;
- implications for civil society activities;
- implications for rule of law activities;
- implications for governance-related activities.

General Implications

In light of both recent advances and setbacks in Morocco's democratization process, it is more than ever critical that the United States support that experiment, which should not be allowed to fail. For all the problems of the past two years, Morocco remains one of the few countries in the Arab world where the overall direction of political change remains positive. Both achievements and persisting obstacles suggest that the current Sp09 – designed in 1999 as a short-term initiative intended to take advantage of what was seen as a particularly favorable political context -- should be continued, and indeed be given renewed emphasis, beyond 2002.

The situation that has been examined also suggests that, in its attempt to support democratic progress in Morocco, the DWG should endeavor to have a mixed portfolio consisting of both demand- and supply-oriented activities.

- Activities aimed at nurturing the demand of society for further democratic reforms remain as appropriate as ever. They are required by concerns about political backsliding, or at the very least in order to prevent a stalling or excessive slowdown of the reform process.

- At the same time, the analysis conducted above also pointed to the dangers that Morocco's political system may be overwhelmed by the accumulation of demands with which it cannot cope. Consequently, side by side with demand-generating and nurturing activities, the Mission ought to continue supply-side activities that aim to strengthen the capacity of political and governmental institutions to process and respond to societal demands for greater democracy and improved governance. Progress accomplished in the judicial sector suggests that that sector should remain a focus of supply-side activities (see below on rule of law for further details).

It is also vital that the dialogue which the U.S. Mission conducts with the Moroccan authorities emphasize the dangers inherent in the economic status quo. As mentioned earlier, Morocco's economic prospects for the next few years are worrisome, and they represent the single most important threat to the kingdom's democratization experiment. The U.S. Mission should seek to increase Moroccan decision-makers' understanding of the potentially devastating costs

associated with a "business as usual" approach to the current economic situation. Privately at least, it should miss no opportunity to express its strong belief in the need for bolder initiatives aimed at improving business confidence, boosting private investment (both domestic and foreign), and cutting heavy spending in the public administration. The US should use its significant leverage to increase the Moroccan authorities' inclination to pursue a more ambitious economic reform agenda. It should add its voice to those who have sought to convince Moroccan decision-makers to accelerate the pace of economic reforms and to adopt a more pro-active economic policy.

Civil Society

Morocco's current political dynamic as well as the overarching challenges that the country faces in the D/G area suggest that the Mission's civil society activities remain as relevant as when they were first designed in 1999.

Moroccan civil society has proven itself and shown that it deserves to be supported in its effort to fill in some of the gaps left by the failures of politicians and institutions. Its strong record is reflected in the fact that it may well be the most dynamic civil society across the Arab world today. Over the past several years, it is first and foremost civil society that has nurtured the Moroccan public's appetite for reforms. Advocacy groups have been a constant source of new ideas. They have been the instigators of essential debates regarding the challenges facing Morocco and the strategic choices it must make in the years ahead. They have provided vehicles for enabling the modern middle classes to articulate their political aspirations. They have been instrumental in challenging some old intellectual, social and political taboos. They have exposed the failings of the state and the shortcomings of governmental policies, while putting pressure on political parties to modernize their programs and rhetoric. They have exposed human rights violations and abuses of authority, and have helped redress or limit those excesses. No other force in the country has proven capable of performing those vital roles, for which there will remain a great need in the years ahead. Civil-society support activities provide a means of maintaining pressure on the government to continue political reforms, and a way of responding to recent concerns about a rollback of earlier democratic gains. Finally, the kinds of civil society groups which the Mission has supported since 1999 provide perhaps the most reliable bulwark against rising influence by islamists. These groups have been far more effective than politicians at exposing the dangers and weaknesses of the "solutions" that islamists claim to offer to the country's problems.

In light of the persistent violations of civil liberties that continue to plague citizens' daily interactions with the authorities – especially in the countryside, where the most egregious abuses usually take place -- human rights activities should represent a significant component of the DWG's civil society program. It is important to develop the capacity of human rights groups in two areas: (a) their ability to monitor and report on human rights abuses that take place at the local level; and (b) their skills at engaging local authorities in a dialogue aimed at redressing abuses and at creating an environment more conducive to the protection of civil and political liberties. These objectives should be accomplished in three different ways: (a) by strengthening the outreach capacity of the most prominent human rights groups at the national level; (b) by assisting local or regional human rights NGOs; and (c) by developing the capacity in the human

rights area of other local NGOs. For over a year, the DWG has expressed a desire to move in those directions, and its efforts deserve encouragement and support.

Along similar lines, building advocacy activities into the activities of Local Development Associations (LDAs) should be a primary objective of the Mission's civil society program. In this area, the assessment and recommendations contained in the "Strengthening the Advocacy Capacity of Morocco's LDAs" report of July 2000 remain valid. Progress should be made toward their implementation, especially as the year that has passed since this report was submitted has witnessed very little movement in that direction.

Three additional observations on the Mission's civil society portfolio can be made.

- First, the activities carried out under the Law Group women's rights program must be coordinated far more closely than they have in the past with the Mission's other civil society projects that involve women's groups. The disconnect that has existed thus far between what the Mission and what the Law Group have done in this area should not be allowed to persist.

- Second, the small-grants program has proven to be an effective vehicle for the delivery of civil–society assistance, and therefore it ought to be continued. It has succeeded to a large extent because it offers a flexible, responsive mechanism for the disbursement of assistance. It has helped associations develop their institutional capacity as they work to design and then implement the projects for which they receive assistance. Several beneficiaries of grants under that program noted to this consultant what a positive learning experience this process had represented for them. Still, the DWG should make sure that it keeps track of, and monitors closely, the projects carried out by the various grantees. One of the dangers that will confront the small-grants program in the future is that, as that program expands, so many small grants are disbursed to so many recipients that the Mission may find it increasingly hard to remain aware of and oversee the projects that are being funded. Yet maintaining that capacity is essential if only to ensure that funded projects continue to fit well with the U.S. Embassy's overall D/G objectives.

- Third, the author hopes that Amideast's proposal for civil society activities has been significantly improved since it was first submitted to the DWG, and quickly approved by it, in February 2001. For the reasons that were discussed during the oral briefings conducted in March 2001, that proposal was thoroughly inadequate. It betrayed a superficial understanding of Moroccan civil society – both its accomplishments over the past several years, and the challenges that still face it. The image it presented of Moroccan NGOs was vague, at best, and outdated and inaccurate in several respects (which were identified during the March 2001 briefings). The proposal contained too many generalities and "off-the-shelf" statements about civil society assistance. By contrast, it was hard to find in it any reference to a specific Moroccan NGO or to a particular challenge faced by Moroccan civil society. Equally important, it reflected insufficient knowledge of how the Mission's civil society strategy has evolved over the past few years, in responses to both the changing environment faced by NGOs and the latter's evolving institutional capacity. In fact, several claims in the proposal appeared to be going against the grain of where the Mission's civil society program seemed headed. In light of these weaknesses, and considering Amideast's lack of specific D/G expertise, the involvement of that organization in the Mission's civil society program will need to be monitored carefully.

Rule Of Law

There is no doubt that judicial reform has only barely begun in Morocco. It remains a vast and daunting project which, under the best case scenario, will take decades to complete. In light of the strong resistance of those who have vested in the old system, judicial reform also remains a minefield for those committed to it.

Still, as was shown above, positive steps have taken place since 1997-98 under the leadership of Azziman and Ghazali. These steps suggest the existence of genuine political will to reform. (Continuing progress may depend to a large extent on the continued presence of these two individuals at the head of the Ministry, and, consequently, their potential replacement should lead to a reassessment of the situation.) For the time being, however, judicial reform is moving ahead, albeit at a slow pace, and thus deserves continued support from the Mission. It is noteworthy, furthermore, that the leadership of Morocco's MOJ is not requesting from donors merely financial support and equipment. Instead, it displays a genuine interest in technical assistance that will contribute to its goal of broadening the intellectual horizons of a profession that historically has been closed to new ways of approaching legal issues.

As was mentioned during the oral briefing and in discussions with USAID/Washington, the kind of judicial training activities conducted by IFES over the past two years should be continued. However, the following observations, derived from discussions with both U.S. Mission personnel and several officials at the MOJ (including Ghazali himself) ought to be kept in mind.

- IFES's program was not the object of sufficient monitoring by the U.S. Mission as a whole, and by the Democracy Working Group in particular. Largely because IFES activities initially focused only on training for commercial court judges, they were managed within the context of USAID's Economic Growth portfolio. Thus, they were never closely supervised by the DWG, despite their important D/G component. For its part, the Economic Growth section of USAID had no particular incentive to monitor, value, or pay particular attention to the D/G components of the judicial training program.

More generally, it is apparent that in terms of monitoring by the U.S. Mission as a whole, judicial assistance fell through the cracks. The IFES program suffered from benign neglect on the part of those in the Mission who were expected to supervise it and provide on-the-ground support for it. IFES implementors felt that they did not receive the logistical support that they would have liked. For its part, IFES failed to deliver on important components of the workplan that had been agreed upon with the MOJ. The list of such omissions include evaluating the functioning of tribunals from the perspective of case management; submitting a proposal for improving that functioning; organizing a seminar to share the results of that proposal; and developing a guide of procedures for the administrative and commercial tribunals of Rabat. In addition, MOJ officials felt that the approach IFES used during training activities led to only a very partial exposure of Moroccan magistrates to Anglo-Saxon legal culture and systems (which was supposed to be the rationale driving the entire program). They also felt that some of the activities had not been planned as carefully as they might have been.

In light of this feedback, it will be important in the future that the DWG monitor far more closely any judicial reform activities that may take place, especially if a decision is made to focus on

administrative courts. The Mission should be in constant contact with both MOJ officials and IFES (or another grantee) to ensure that the assistance program is meeting expectations on both sides, and that it is unfolding according to a previously agreed workplan. Similarly, the DWG should be informed of, and be capable of monitoring, any potential future activities carried out by DOJ in the area of training for the prosecution (e.g., in relation to the fight against international crime and narcotics). When such activities were considered in the past, it does not appear that the DWG was made aware of them (though the Economic Growth section of USAID apparently was). DOJ should not develop a stand alone ROL program that would go beyond mere international crime activities without the DWG being aware of such a potential development.

Governance

Governance is likely to remain Morocco's overarching D/G problem for years to come. Consequently, governance-related activities should represent a significant component of the Mission's overall D/G portfolio.

One critical issue, highlighted above, is the abysmal failure of political parties to perform their natural functions – aggregate preferences, act as links between decision-makers and the public, and provide avenues for regular participation of the population in politics. In view of the magnitude that this problem has reached in Morocco, a political party program ought to be considered. It should be kept in mind, however, that the party-strengthening activities carried out between 1998 and 2000 were widely perceived to have had little impact. Consequently, any party program in the future should be careful to draw the lessons from that experience. Finally, and as discussed in the "Electoral Assistance to Morocco: Context and Suggestions" report, electoral assistance activities envisioned in the context of next year's general elections should be designed specifically so as to provide a basis for future party-related activities in the country.

In its efforts to support improved governance through "Ethics in Government" activities implemented by the NDI/RIGHTS consortium, the Mission ought to focus less on helping specific ministries develop their on ethics codes. Instead, it should consider directing more assistance toward the *Collège des Inspecteurs Généraux des Ministères* (IGM).

a. The dynamic for the elaboration of codes of ethics within specific ministries of the GOM is already well under way. It is supported and driven by other donors, by the business syndicate (CGEM), by Transparency Maroc, and by the Moroccan Observatory of Public Administration (*Observatoire Marocain de l'Administration Publique*, an association that brings together Moroccan civil servants and public policy academics). In fact, ethics codes seemed like the *plat du jour* in Morocco in the spring and summer of 2001, as ministries were competing with each other in developing their respective ethics codes. Thus, the process of developing ethics codes will take place whether or not the U.S. Mission supports it. Besides, it is important to remember that while ethics codes are helpful, their contribution to improved transparency and accountability is strictly constrained by the extent to which incentives exist for individuals to abide by them. There is no clear correlation between the adoption of ethics codes and respect for them, as several participants in the roundtable on control and ethics organized by the IGM in Rabat

on March 23 and 24, 2001 reminded their audience. In the end, support for concrete oversight mechanisms and structures is likely to make a greater contribution to governance than new general declarations of good intent.

b. In this context, the IGM appears worthy of greater assistance. It was created in November 2000 by a group of dynamic Inspector Generals, who realized that they would be better positioned to receive foreign technical assistance if they formed an association. Under the leadership of Mostapha Faik (Ministry of Fisheries), the IGM has emerged as a dynamic force, capable, in this writer's view, of translating into concrete steps the noble principles articulated in codes of ethics. It already has organized numerous workshops and roundtables, and has provided a focus for the General Inspection of several ministries. It brings together well trained individuals who show a real commitment to improving the efficiency of the public administration, and to increasing accountability and transparency within it. Such an institution can provide a powerful engine for change within the civil service. Targeted support for it can also provide a donor with a reasonable hope that its efforts will result in tangible gains, and that a viable and useful structure will remain much after assistance has been terminated.

c. The IGM is eager to familiarize itself with new auditing techniques. Mostapha Faik expressed to this consultant a specific desire for the IGM to receive assistance on how to conduct an integrated audit of a public entity (i.e., one that combines most possible dimensions for an audit, from financial to performance-related criteria). The Mission should give serious consideration to that request. If it decides to respond to it favorably, one possible activity would be a workshop in which U.S. experts would describe in detail the approach that was used in the United States to audit a particular public agency or department, or to evaluate a specific public project. Being exposed to the methodology in question, as well as to the issues and particular obstacles that may have emerged during its implementation, would no doubt be of interest to the members of the IGM.

The IGM apparently was very grateful for the detailed written commentaries which NDI's resource team provided on a draft of the IGM's internal code of ethics. The goodwill and contacts developed through that process should now be used to design a broader program of technical assistance to the IGM.

Finally, and mostly for the reasons discussed in Part Two, the author does not believe that support for decentralization is an area where the Mission's scarce resources should be concentrated. Since 1998, decentralization has been talked about at great length in Morocco, but on the ground it appears to have taken place very slowly, especially when compared with other areas of political reform. One suspects that this will remain true, despite the ongoing elaboration of a new "*Charte Communale*." The GOM will continue to proceed in small steps in this area – because of strong inertia, the centralized mind-set of key decision-makers, and the resistance of powerful interests that would be threatened by genuine decentralization.

To the extent that the Mission wishes to support decentralization, it should consider civil society-strengthening activities that allow national NGOs to reach out to LDAs, consistent with the

rationale outlined in the "Strengthening the Advocacy Capacity of Morocco's LDAs" report of July 2000. Such activities will likely be far more effective than a decentralization program per se in reaching two objectives: (a) improving the quality of social-service delivery at the local level, and (b) making decision-makers, at both the local and national levels, more responsive to citizens' needs.